



Federal Communications Commission
Washington, D.C. 20554

October 24, 1994

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OCT 24 1994

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION
SECRETARY

The Honorable Jim Leach
Member, House of Representatives
102 S. Clinton Street, Room 505
Iowa City, Iowa 52240-4025

JB-22

Dear Congressman Leach:

This letter responds to your correspondence on behalf of Bonnie D. Matthes regarding charges on her telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

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The Honorable Jim Leach
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complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M.H. Wallman", written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosure

JAMES A. LEACH
1ST DISTRICT, IOWA



CHA
COMMITTEES
BANKING, FINANCE AND URBAN AFFAIRS
FOREIGN AFFAIRS
CC-ED
4422

CONGRESS OF THE UNITED STATES

August 29, 1994

Ms. Mary Kay Thatcher
Director of Congressional Affairs
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

RE: Bonnie D. Matthes
418 Regency
Iowa City, IA 52240
SS# 485-46-8842

Dear Ms. Thatcher:

The enclosed is submitted for your comment.

If you will advise me if there is any further appropriate action that can be taken to resolve the problem, I would be most appreciative.

Kindly respond to Iowa City district office at 102 S. Clinton St., Room 505, Iowa City, Iowa 52240-4025. Thank you for your attention.

Sincerely,

Jim Leach
Member of Congress

JL:gb

Enclosures

OFFICES:

2186 RAYBURN HOUSE OFFICE BLDG.
WASHINGTON, DC 20515-1501
(202) 225-6576
Fax (202) 226-1278

209 WEST FOURTH STREET
DAVENPORT, IA 52801-1307
(319) 326-1841
Fax (319) 326-5464

Printed on recycled paper

102 S. CLINTON, 505
IOWA CITY, IA 52240-4025
(319) 351-0789
Fax (319) 351-5789

308 10TH STREET S.E.
CEDAR RAPIDS, IA 52403-2416
(319) 363-4773
Fax (319) 363-5008

5

24 1984

I, Bonnie Matthes, hereby authorize Congressma

Jim Leach to receive any information from my personal records maintain
Federal Communications Commission/U.S. West

by the _____
(FEDERAL AGENCY)

(FEDERAL AGENCY)

in conjunction with my request for his assistance concerning

*The use of 1-800 NO for pay obscene
phone calls. AM sending copy of
phone bills. So you can have them.
Please do something about them using
1-800 NO for this Crap.*

Bonnie D. Matthes (Signature)

418 Regency (Street)

Iowa City, IA 52240 (City &

319 / 354-4545 (Telephone
(Area Code)

485 46 8842
(Social Security Number)

phone NO. 319-354-4545
(Other Identifying Number, if applicable)

BOYD E. MARCHI
BILL DATE JUN 23 1994
ACCO 1711M350 213 354-4545
PAGE

108 9-100
078

ITEMIZED CALLS

NO.	TIME	PLACE	AREA-NUMBER	*	MIN	
INTEGRETEL						
MAY 29 1.	240AM	TO MADISON EN	800 385-1000	D	5.0	19.95

*-RATE APPLIED
D-DAY

TOTAL ITEMIZED CALLS

19.95

TAX- FED .60

.60

TOTAL INTEGRETEL, INC CHARGES (INCL TAX)

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO INTEGRETEL, INC.
THERE IS NO CONNECTION BETWEEN U S WEST COMMUNICATIONS AND INTEGRETEL, INC.



FOR INTEGRETEL, INC
BILLING QUESTIONS OR GENERAL INQUIRIES 1 (800) 736-7500



BONNIE MATHEIS
BILL DATE JUN 25 1994
ACCOUNT NUMBER 319 354-4545
PAGE

078

ITEMIZED CALLS

	NO.	TIME	PLACE		AREA-NUMBER	*	MIN	
JUN 24	1.	812PM	TO TORONTO	ON	416 412-8223	EP	6.0	23.94

*-RATE APPLIED
EP-EVENING PERSON

TOTAL ITEMIZED CALLS	23.94
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TAX- FED .72	.72
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TOTAL ONCOR COMMUNICATIONS INC. CHARGES (INCL TAX)	
--	--

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO ONCOR COMMUNICATIONS INC..
THERE IS NO CONNECTION BETWEEN U S WEST COMMUNICATIONS AND ONCOR COMMUNICATIONS INC..



USWEST COMMUNICATIONS

BONNIE MATHES
BILL DATE: JUN 25 1994
ACCOUNT NUMBER: 319 354-4545
PAGE 2

JUN 24 1994

078

ACCOUNT SUMMARY

 ONCOR COMMUNICATIONS INC.	24.66
QUESTIONS CALL 1-800-864-2149	
 ZERO PLUS DIALING INC	1.56
QUESTIONS CALL 1-800-456-7587	
• TOTAL CURRENT CHARGES	\$179.26
• TOTAL AMOUNT DUE	\$179.48
WE APPRECIATE YOUR BUSINESS.	

PLEASE PAY NET TOTAL AMOUNT DUE \$179.48 BY JUL 25 1994
AFTER JUL 25 1994 PAY GROSS AMOUNT DUE \$182.17

THE LONG DISTANCE COMPANY YOU HAVE SELECTED FOR CALLS OUTSIDE OF YOUR
U S WEST COMMUNICATIONS LONG DISTANCE AREA IS AT&T

LOCAL CHARGES

MONTHLY SERVICE-JUN 25 THRU JUL 24	13.45
354-4545	
BASIC SERVICES*	
RESIDENCE LINE	13.45
*BASIC SERVICES ARE THE SERVICES THAT YOU NEED TO USE YOUR TELEPHONE.	
FEDERAL ACCESS CHARGE	3.50
E911 SURCHARGE	.45
TAX- FED .51 STATE .67	1.18

U S WEST COMMUNICATIONS LOCAL CHARGES	18.58
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UNREGULATED SERVICES

MONTHLY SERVICE-JUN 25 THRU JUL 24	1.95
354-4545	
OPTIONAL SERVICES**	
LINEBACKER MAINTENANCE PLAN	1.95

**OPTIONAL SERVICES ARE CHOSEN BY YOU AND ARE NOT



FOR U S WEST COMMUNICATIONS
QUESTIONS CALL 1-800-244-1111 (NO CHARGE)

AUG 24 1994

AMERICAN TELNET

BONNIE MATHES
 BILL DATE: JUN 25 1994
 ACCOUNT NUMBER: 319 354-4545 078
 PAGE 1

ITEMIZED CALLS

NO. TIME PLACE AREA-NUMBER * MIN

CALLING CARD CALLS

AMERICAN TELNET INC

MAY 29	1.	1259AM	TO LIVE TALK	800 277-7795			
			FR IOWA CITY IA	319 354-4545	N	3.0	7.50
MAY 29	2.	102AM	TO LIVE TALK	800 277-7795			
			FR IOWA CITY IA	319 354-4545	N	14.0	55.86
MAY 29	3.	156AM	TO LIVE TALK	800 277-7795			
			FR IOWA CITY IA	319 354-4545	N	5.0	18.95
			(CALLING CARD SUBTOTAL			83.31)

*-RATE APPLIED
 N-NITE/WKEND

TOTAL ITEMIZED CALLS

TAX- FED 2.50

TOTAL AMERICAN TELNET, INC. CHARGES (INCL TAX)

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO AMERICAN TELNET, INC..

THERE IS NO CONNECTION BETWEEN U S WEST COMMUNICATIONS AND AMERICAN TELNET, INC..

85.41

20.55

106.36

24.66

131.02

149.09

280.11



FOR AMERICAN TELNET, INC.
 QUESTIONS CALL 1 800 460-0307 (NO CHARGE)

U S WEST COMMUNICATIONS 

BONNIE MATHES
BILL DATE: APR 25 1994
ACCOUNT NUMBER: 319 354-4545
PAGE 1

408 1994

078

TOTAL AMOUNT DUE	• PREVIOUS BALANCE	\$99.17
	• CURRENT CHARGES DUE MAY 20	\$149.09
	• TOTAL AMOUNT DUE	\$248.26

ACCOUNT SUMMARY

• PAST CHARGES AND CREDITS

PRIOR CHARGES
PAYMENT

169.17
70.00CR

THANK YOU FOR YOUR PAYMENT.

• TOTAL PAST DUE CHARGES

\$99.17

• CURRENT CHARGES DUE MAY 20, 1994

U S WEST COMMUNICATIONS
LOCAL CHARGES
UNREGULATED SERVICES
LONG DISTANCE SERVICES



QUESTIONS CALL 1-800-244-1111



AT&T

QUESTIONS CALL 1-800-222-0300



LONG DISTANCE BILLING CO.

QUESTIONS CALL 1-800-748-4309



AMERICAN TELNET, INC.

QUESTIONS CALL 1-800-460-0307

1-800-

27.98
2.00
11.00

9.00

11.00

11.00

149.09

U S WEST'S AUTOMATIC PAYMENT PLAN IS DEPENDABLE AND CONVENIENT.
IT SAVES TIME AND MONEY! SIGN UP FOR THIS FREE SERVICE TODAY.
FOR MORE INFORMATION, PLEASE CALL 1-800-244-1111.

RETURN
ADDRESS

U S WEST COMMUNICATIONS
PO BOX 737
DES MOINES, IA 50338-0001

U S WEST COMMUNICATIONS @

BONNIE MATHES
BILL DATE: JUN 25 1994
ACCOUNT NUMBER: 319 354-4545 078
PAGE 1

TOTAL AMOUNT DUE	• PREVIOUS BALANCE	\$.22
	• CURRENT CHARGES DUE JUL 20	\$179.26
	• TOTAL AMOUNT DUE	\$179.48
ACCOUNT SUMMARY	• PAST CHARGES AND CREDITS	
	PRIOR CHARGES	241.22
	PAYMENT	241.00CR
	THANK YOU FOR YOUR PAYMENT.	
	• TOTAL PAST DUE CHARGES	\$0.22
	• CURRENT CHARGES DUE JUL 20, 1994	
	U S WEST COMMUNICATIONS	
	LONG DISTANCE CHARGES	18.58
	LONG DISTANCE CHARGES	5.03
	LONG DISTANCE CHARGES	5.03
	• AMERICAN TELNET, INC.	21.02
	QUESTIONS CALL 1-800-222-0300	
	• AMERICAN TELNET, INC.	21.02
	QUESTIONS CALL 1-800-460-0307	
	• INTEGRETEL, INC.	21.02
	QUESTIONS CALL 1-800-734-7500	

U S WEST'S AUTOMATIC PAYMENT PLAN IS DEPENDABLE AND CONVENIENT.
IT SAVES TIME AND MONEY! SIGN UP FOR THIS FREE SERVICE TODAY.
FOR MORE INFORMATION, PLEASE CALL 1-800-244-1111.

RETURN ADDRESS U S WEST COMMUNICATIONS
PO BOX 737
DES MOINES, IA 50338-0001